

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TIMOTHY LAMBERT

Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

No. 1:15-cv-1081-JDB-egb

ORDER DIRECTING CLERK TO TERMINATE MOTION AND OPEN NEW CASE

On April 11, 2018, the Court granted Petitioner, Timothy Lambert's, 28 U.S.C. § 2255 motion to the extent he sought a delayed appeal from his judgment of conviction. (Docket Entry ("D.E.") 29 at PageID 149.) The Court also dismissed the remaining claims without prejudice. (*Id.*) On July 11, 2018, the Court reimposed the 151-month sentence in Petitioner's criminal case and entered an amended judgment of conviction. (*United States v. Lambert*, No. 1:13-cr-10014-JDB-1, D.E. 78 (W.D. Tenn.).) Petitioner, through appointed counsel, took a delayed direct appeal in that case, (*id.* D.E. 80), but the Sixth Circuit affirmed, (*id.* D.E. 85). On June 19, 2019, the inmate filed a document in the present case styled "Motion Requesting Amendment of Petitioner's 28 U.S.C. 2255," by which he intends to pursue three claims under 28 U.S.C. § 2255. (D.E. 36 at PageID 164.) That motion is now before the Court.

Because Lambert is seeking to challenge the amended judgment of conviction, he must pursue his claims in a new civil case. The Clerk of Court is therefore DIRECTED to file the document at D.E. 36 in the present case as the case-initiating document in a new § 2255 case. The Clerk is further DIRECTED to terminate the motion at D.E. 36.

IT IS SO ORDERED this 24th day of October 2019.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE